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# THE CLASSICAL WEEKLY

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I have long been interested in various passages in the Latin commonly read by way of preparation for College which do not seem to be adequately explained in the current editions.

One such passage is Cicero's Cat. 1.2-3:

An vero vir amplissimus, P. Scipio, pontifex maximus, Ti. Gracchum mediocriter labefactantem statum rei publicae privatus interfecit, Catilinam orbem terrae caede atque incendiis vastare cupientem nos consules perferemus?

First of all, I would have the reader note that I have set a comma after *interfecit*, instead of the semicolon or the colon shown in our texts. Next, let the reader, if he knows any Greek, recall the familiar  $\mu\epsilon\nu$  . . .  $\delta\epsilon$  combination. He will then see at once that a passage which, as usually pointed and explained, is difficult, is in reality very simple. We may translate as follows:

Did in truth that great man, Publius Scipio, when pontifex maximus, though he held no (civil) office, kill Tiberius Gracchus, who was only slightly disturbing the balance of our commonwealth, (and) shall we, though we are consuls, brook Catiline, who has set his heart on destroying with fire and sword the wide, wide world?

Since the words *vir amplissimus*. . . *interfecit* voice a well known fact, it follows that, in a strictly logical interpretation of this sentence, the only true question contained within it is, of course, *Catilinam* . . . *perferemus*? This part of the sentence, then, and this alone, in strict logic, *an* can and does introduce. Therefore, even if we stick to logic alone, we see that to point with a semicolon or colon after *interfecit* is to destroy, hopelessly, the integrity of the sentence. But it is easy enough, in rhetorical writing or speaking, and at the same time most effective to question the actuality of a well known fact. A good example of this is afforded by Juno's words in Aeneid 1.39-41:

Pallasne exurere classem  
Argivom atque ipsos potuit submergere ponto  
unius ob noxam et furias Aiacis Oilei?

It may be noted here that Juno answers her own rhetorical question by reciting in full the facts, in 42-58. Verses 39-48 thus lead up most effectively to the impassioned outburst (49-50):

Et quisquam numen Iunonis adorat  
praeterea aut supplex aris inponit honorem?

Following the form used by Cicero in the passage under discussion, we may sum up Aeneid 1.39-49

by writing (though the result would, I grant, be awkward):

An Pallas quidem classem Argivom exurere potuit . . . ego autem frustra una cum gente tot annos bello gero, quisquam numen Iunonis adorat praeterea aut supplex aris inponit honorem? 'Was Pallas so mighty, I so feeble, (and) does any one. . . ?' i.e. 'Though Pallas was so mighty, I so feeble, does any one. . . ?'

We see, then, that in our Ciceronian passage, considered from the point of view of *rhetoric*, *an* introduces really *all* the words of the sentence. We note, finally, what effective instruments of expression the Greeks had in  $\mu\epsilon\nu$  and  $\delta\epsilon$ .

Similar is Cicero Pomp. 58:

An C. Falcidius, Q. Metellus, Q. Caelius Latinienis, Cn. Lentulus, quos omnis honoris causa nomino, cum tribuni plebi fuissent, anno proximo legati esse potuerunt, in uno Gabinio sunt tam diligentes qui in hoc bello, quod Lege Gabinia geritur, in hoc imperatore atque exercitu, quem per vos ipse constituit, etiam praecipuo iure esse debebat?

Could Gaius Falcidius, Quintus Metellus, Quintus Caelius Latinienis, all of whom I name only to honor them, could these men, I ask, be *legati* the year after they had been tribunes of the people (i.e. would they allow all these men to become *legati*, etc.), (and) are so they so painstaking in the case of Gabinus alone, a man who, in this war, which is being waged in accordance with the Lex Gabinia, in connection with the present general-in-chief and his army, . . . ought to have even extraordinary privileges?

An even more interesting example is Pro Archia 30:

An statuas et imagines, non animorum simulacra, sed corporum studiose multi summi homines reliquerunt, consiliorum relinquere ac virtutum nostrarum effigiem nonne multo malle debemus, summis ingeniis expressam et politam?

Did many men of the first rank take pains to leave behind them statues and portraits, counterfeit presentments, not of their souls but of their bodies, (and) are we not in duty bound to be far keener to leave behind us likenesses of our minds (what we did) and of our merits (what we were)?

In this passage so excellent a critic as Professor James Reid, in his fine edition of the Pro Archia (Pitt Press Series. Cambridge University Press, 1891) sets a colon after *reliquerunt*, and in his Notes writes as follows:

The *an* is really out of place when the first branch of the sentence merely states categorically an admitted fact; it has passed into this form of the sentence from that form in which both the branches contained interrogations.

That this comment is incorrect has been shown, I hope, in the discussion above of Cicero Cat. 1.2-3. For Cicero's purposes, at the moment, *An statuas. . . reliquerunt* is not an admitted fact. He cannot, or rather will not, for the moment, think of that fact by itself. He will think of it only in connection with the latter part of his sentence. The two parts of the sentence must stand or fall together; they must be simultaneously true or simultaneously false (compare Meissner's note on Cicero Tusc. 1.31 Ergo. . . non seret, discussed at the end of this paper). It is a pity that Latin had nothing comparable to μέν and δέ, but it is a greater pity, by wrong punctuation and wrong interpretation, to make Latin seem weaker, in any given connection, than it in fact is.

Professor Reid remarks further that the form in the sentence in the Pro Archia "is a little irregular, since *non*, not *nonne* (after the preceding *an*), ought to stand in the second branch, as in Tusc. v 42 and 104". In Tusc. 5.42 we have:

An Lacedaemonii Philippo minitante per litteras se omnia quae conarentur prohibitorum quaesiverunt num<sup>1</sup> se esset etiam mori prohibitorum, vir is quem quaerimus non multo facilius tali animo reperietur quam civitas universa?

Did the Lacedaemonians, in answer to Philip's threat that he would thwart their every effort, ask him if he would prevent them from dying too, (and) shall the man who is the object of our quest not be found to have the same temper as a whole nation?

Now, in the examples of this idiom, where the second member is negative, the negative seems regularly to be *non*, not *nonne*. But I can think of no reason why, either here or in Pro Archia, the negative *ought* to be *non* in the second member of the sentence. I can see, readily enough, why Cicero does in fact write *non*, not *nonne*, when I recall that *non* is common enough in questions in passages in which there is real or simulated emotion. Every one will at once recall Cat. 1.1 Patere tua consilia non sentis? constrictam omnium horum scientia teneri tuam non vides?

On Tusc. 5.42 Klotz, giving no heed whatever to whether the second member of such *an*-questions as we are discussing is affirmative or negative, cited various examples of the construction, besides the passages considered above. One example (referred to also by Reid: see above) is Cicero Tusc. 5.104:

An tibicines iique qui fidibus utuntur suo, non multitudinis arbitrio, cantus numerosque moderantur, vir sapiens, multo arte maiore praeditus, non quid verissimum sit, sed quid velit vulgus exquiret?

Do flute-players and masters of stringed instruments manage their strains and rhythms at their own discretion, not at that of the mob, (and) shall the wise man, master of a far nobler art, ask not what is right but what the rabble wants?

Now, as we saw above, Reid cites this passage as proof that, in the second member of the sort of question

we are considering, the negative should be *non*, not *nonne*. This example, however, does not contain a negative at all—at least, in the sense in which Reid thought there was a negative here! In both members we have the familiar *non. . . sed. . . But non. . . sed, non modo. . . sed etiam* are affirmative, on the whole, not negative at all. It is this fact which vitiates so many comments on the familiar passages, Cicero Cat. 1.23 infer patriae bellum, exsulta impio latrocinio, ut a me non eiectus ad alienos, sed invitatus ad tuos esse videaris, and 1.27 Tunc eum . . . exire patiere, ut abs te non emissus ex urbe, sed immissus in urbem esse videatur? Here the movement in the subjunctive clause is affirmative, not negative at all, and hence neither of these clauses may rightly be cited, as the first is in more than one good Latin Grammar, as an example of *non* for *ne* in a purpose clause (see my discussion of this point in THE CLASSICAL WEEKLY 2.185, 3.49).

In Pro Balbo 54 we have an interesting passage:

An lingua et ingenio patefieri aditus ad civitatem potuit, manu et virtute non potuit? Anne de nobis trahere spolia foederatis licebat, de hostibus non licebat? an quod adipisci poterant dicendo, id eis pugnando adsequi non licebat? an accusatori maiores nostri maiora praemia quam bellatori esse voluerunt?

Here, we may note, Professor Reid points as I have above—not as he did in the Pro Archia passage: yet his only comment on the form of the sentence here is a reference to his note on the Archias passage. But that note will hardly apply, at least so far as the negative is concerned, for in this passage the negatives belong very closely indeed with their respective verbs. With this in mind, I should venture this rendering:

Could an avenue to citizenship be fashioned by powers of speech and thought, (and, but) not by deeds of prowess and courage? (or, better, was it possible to fashion an avenue . . . [and, but] impossible. to fashion one by . . . ?) Was it permissible for men of allied states to take spoils from us, (and, but) forbidden to take them from the foe? Were they forbidden to win by fighting, what they had the power to win by speech? Did our forebears wish a prosecutor to have larger rewards than a warrior (might win)?<sup>2</sup>

In Cicero De Finibus 1.72 we have perhaps the most interesting passage of all. It runs as follows:

An ille tempus aut in poetis evolvendis, ut ego et Triarius te hortatore facimus, consumeret, in quibus nulla solida utilitas omnique puerilis est delectatio, aut se, ut Plato, in musicis, geometria, numeris, astris contereret, quae et a falsis initiis profecta vera esse non possunt et, si possent vera, nihil afferrent, quo iucundius, id est melius, viveremus, eas ergo artes persequeretur, vivendi artem tantam tamque operosam et perinde fructuosam relinqueret?

After copying the passage, as above, I looked at Reid's translation, which I quote in full:

Was he the man to spend his time in conning poets as I and Triarius do on your advice, when they afford no substantial benefit, and all the enjoyment they give

<sup>1</sup>This is one of the many examples which make me question the oft-made statement that *num* in a dependent question conveys no hint that a negative answer is expected. This I hope to discuss later.

<sup>2</sup>Another point worth noting in this passage is *anne*: see Reid's note.

is childish in kind, or was he the man to waste himself, like Plato, upon music, geometry, mathematics and astronomy, which not only start from false assumptions and so cannot be true, but if they were true would not aid us one whit towards living a more agreeable, that is a better life; was he, I ask, the man to pursue those arts and thrust behind him the art of living, an art of such moment, so laborious too, and correspondingly rich in fruit?

How could the man who translated so well in 1883 write such an unsatisfactory commentary and punctuate so badly in his edition of the *Pro Archia* in 1891?

A study of the passages quoted in this paper will show how thoroughly the Romans—Cicero at least—were masters of this highly effective bit of rhetoric. As evidences of that mastery we may recapitulate here the use of *non* or *nonne* in the second member, in varying ways, the setting of at least three sentences of this type side by side in *Pro Balbo* 54 (with the separation of two of them by *anne*), the use of *non*. . . *sed* in both members, in *Tusc.* 5. 104, the varying tenses in different examples, and, finally, the use of even the conditional subjunctive in *De Finitus* 1.72 (with the resumption there of the whole first member through *ergo*).

The passage cited above from the *De Finitus*, ending as it does with a resumptive *ergo*-clause, which gathers up and repeats the contents of the *an*-clause, makes one think of such a passage as *Cicero Tusc.* 1.31:

*Ergo arbores seret diligens agricola, quarum adspiciet bacam ipse numquam, vir magnus leges, instituta, rem publicam non seret?*

Is, then, the thrifty husbandman to plant trees whose fruit he will never himself see, (and) the great man not to plant laws, institutions, the common-wealth?

Here for *ergo* we might substitute *an*. It is worth while to note that Meissner, who has a fine note on this idiom, puts a colon after *numquam*. C. K.

### LEGISLATION AGAINST POLITICAL CLUBS DURING THE REPUBLIC<sup>1</sup>

The special object of the *Lex Licinia De Sodaliciis* was to put an end to the existence of political clubs. Unions of citizens for various purposes had been common almost from the foundation of the city. Trades-

unions, composed of the workmen in the different trades, were recognized in the time of the monarchy, and no effort was ever made to dissolve them, until they began to exert a political influence. Such unions were called *collegia*, and we hear of seven of them before the establishment of the Republic, which were under the protection of the State, if indeed the State did not take the initiative, as Plutarch intimates, in creating them. They included in their membership the workers in all the principal occupations in the city<sup>2</sup>. Persons holding the same office, as the pontiffs, the augurs, and the tribunes, formed *collegia*, and these also existed without criticism<sup>3</sup>. But in the last century of the Republic many of the *collegia* began to use their influence in a political way, and in the year 64 B. C. those that were thought to be inimical to the public welfare were all abolished. They were restored, however, by a measure proposed by Clodius, during his tribuneship in the year 58 B. C.<sup>4</sup>, with disastrous results to the regular working of the government.

Unions of a second kind, composed of the worshippers of some divinity, were called *sodalitates*. We hear, for example, that a *sodalitas* of *Mercuriales* was created in 387 B. C., and that in 204, at the inauguration of the worship of the *Mater Magna*, a special *sodalitas* of those who superintended her worship was formed<sup>5</sup>. Gaius asserts that *sodalitates* existed at the time of the XII Tables<sup>6</sup>, and some Roman scholars carried their foundation back as far as the age of Romulus<sup>7</sup>. With the introduction of new divinities their number constantly increased, and they were found in every part of the Empire. Ostensibly their chief function was to make offerings to a divinity at a particular temple, but perhaps the activity which created the most far-reaching consequences consisted in their holding banquets which fostered a close friendship among the members. Since their duties centered in a special shrine rather than in the worship of a divinity generally, they were sometimes called *collegia templorum*, but never *collegia deorum*<sup>8</sup>. All of these created a much stronger bond among their members than the ordinary *collegia* did. In many respects they are comparable to the lodges of the present day. They had a kind of insurance, extending to the education of the children of deceased *sodales*. In a public way they were of service to their members, for a *sodalis* would not take legal action against a member of his *sodalitas*, but would aid him in his legal difficulties. This close relationship was guarded against in certain prohibitory clauses in the legislation of C. Gracchus. In one of the laws passed during his tribunate it was

<sup>1</sup>Bibliography:

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Greenidge, *Legal Procedure*, 448 ff.  
Strachan-Davidson, *Criminal Law*, 2.95-111.

<sup>2</sup>Plutarch, *Numa* 17.

<sup>3</sup>Livy 1.20, 2.27; Pliny, N. H. 18.2.

<sup>4</sup>Cicero, *Sest.* 34.

<sup>5</sup>C. I. L. 1.1, page 206; Cicero, *Cato Maior* 45 (Cato is speaking): *Sodalitates autem me quaestore constitutae sunt, sacris Idaeis Magnae Matris acceptis. Epulabar igitur cum sodalibus*; Gellius 2.24.2: *Principes civitatis, qui ludis Megalensibus antiquo ritu mutarent, id est mutua inter se convivia agerent*; C. I. L. 6.494: *Matri deum et navi Salviae Q. Nunnii Telephi mag[ister] collegii cultor[um] eius*.

<sup>6</sup>Digest 47.22.4.

<sup>7</sup>Tuditanus ap. Macrobius 1.16.32.

<sup>8</sup>Digest 32.1.38.6.